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15

16 UNITED STATES DISTRICT COURT  
17 NORTHERN DISTRICT OF CALIFORNIA  
18

94-20512-SW

19 RSA DATA SECURITY, INC., a  
Delaware Corporation,,  
20

21 Plaintiff,

22 v.

23 CYLINK CORPORATION and CARO-KANN  
CORPORATION, a California  
24 Corporation, and THE BOARD OF  
TRUSTEES OF THE LELAND STANFORD  
JUNIOR UNIVERSITY,  
25

26 Defendants.

27 AND RELATED COUNTER-CLAIMS  
28

No. C-96-20094 SW (PVT)

**DECLARATION OF DR. MARTIN  
HELLMAN IN SUPPORT OF  
DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT ON THE  
VALIDITY OF THE DIFFIE-  
HELLMAN PATENT**

Date: September 4, 1996  
Time: 10:00 a.m.  
Courtroom:

The Hon. Spencer Williams

1 I, Dr. Martin E. Hellman declare:

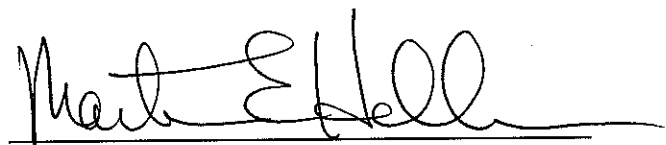
2 1. I am one of the named inventors on United States Patent  
3 No. 4,200,770 (the "Diffie-Hellman patent"). I have been a  
4 Professor in the Department of Electrical Engineering at Stanford  
5 University since 1971, and I am currently a Professor Emeritus.

6 2. In late May or June, 1976, Whitfield Diffie and I  
7 submitted a paper entitled "New Directions in Cryptography" to the  
8 IEEE for publication in the journal called Transactions on  
9 Information Theory. At the time we submitted the paper, we were  
10 aware that the paper would be circulated to a limited number of  
11 anonymous reviewers, who would be under an obligation to maintain  
12 the confidentiality of the paper. In approximately August, 1976,  
13 Diffie and I revised the paper we had submitted to the IEEE to  
14 incorporate changes suggested by the editors of the IEEE journal.

15 3. In late June, 1976, I attended an IEEE symposium called  
16 the International Symposium on Information Theory in Ronneby,  
17 Sweden, and gave an oral presentation relating to the subject matter  
18 in the "New Directions" paper. I also used slides at the Ronneby  
19 symposium as a visual aid. However, to the best of my recollection,  
20 I did not pass out copies of the slides, nor did I hand out or make  
21 available copies of any draft of the "New Directions" paper at the  
22 Ronneby presentation. In fact, I am fairly certain that I did not  
23 carry copies of the paper with me to Sweden because immediately  
24 before the Ronneby Symposium, I participated in a conference in the  
25 Soviet Union (on a different topic), and I recall being concerned  
26 about passing through Soviet security carrying these materials on  
27 cryptography.

1           4. I do not recall sending any draft of the "New Directions"  
2 paper to any specific person other than the IEEE editor prior to the  
3 paper's publication. Nor do I recall receiving any specific  
4 requests for a draft of the paper prior to its publication.  
5 However, it would have been my practice to send preprints of  
6 research papers such as the "New Directions" paper to selected  
7 colleagues for their information and feedback. I believe that I  
8 followed that practice in this case, and sent a copy of the draft of  
9 the paper to a small number of colleagues. However, it would not  
10 have been my practice to send such papers without restriction. In  
11 fact, it was the common understanding of these colleagues -- indeed,  
12 of anyone in the relevant academic community -- that research papers  
13 such as this were being circulated confidentially, and that they  
14 were not to be further circulated without permission of the author.  
15 Aside from common courtesy, this understanding was a natural  
16 consequence of the fact that academic journals normally expected to  
17 publish only previously unpublished materials.

18           I declare under penalty of perjury that the foregoing is true  
19 and correct. Executed this 31st day of July at Stanford,  
20 California.

21 

22           Dr. Martin Hellman